

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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TRUSTEES OF THE B.A.C. LOCAL  
4 PENSION FUND, et al.,

Plaintiff,

v.

NOVA CRETE, INC.,

Defendant.

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Civil No. 3:19-cv-21470-MAS-TJB

**CONSENT ORDER (1) VACATING DEFAULT; (2) WITHDRAWING  
PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT; AND (3) EXTENDING  
DEFENDANT'S TIME TO ANSWER COMPLAINT**

The below listed parties hereby stipulate and agree to the following:

1. The Clerk shall **VACATE** the Entry of Default as to Defendant Nova Crete, Inc, for failure to plead or otherwise defend, entered on March 13, 2020.
2. Plaintiffs hereby **WITHDRAW** their pending Motion for Default Judgment as to Defendant Nova Crete, Inc.
3. In exchange for Plaintiffs' withdrawal of their pending Motion for Default Judgment as to Defendant Nova Crete, Inc., Defendant Nova Crete, Inc. shall reimburse Plaintiffs the costs associated with the preparation of said Motion, in the amount of \$4,401.75. Defendant shall send payment in the amount of \$4,401.75 to "BAC NJ Funds" on or before Friday, May 22, 2020.
4. Counsel for Defendant Nova Crete, Inc. shall execute a Waiver of Service of Summons, and shall accept service of Plaintiffs' Complaint as of the date the Court executes this Consent Order.

5. Thereafter, Defendant shall serve its Answer within thirty (30) days of the date of the entry of this Consent Order.

The undersigned counsel hereby consent to the entry of this Order:

/s/ Ralph R. Smith, 3<sup>rd</sup>  
Ralph R. Smith, 3<sup>rd</sup>, Esq.  
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*Attorneys for Plaintiffs*

**SO ORDERED**, this 16<sup>th</sup> day of May, 2020.

M. Shipp  
HONORABLE MICHAEL A. SHIPP